

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. FARLEY,

Petitioner,

v.

RON DAVIS,

Respondent.

Case No. 16-cv-04443-PJH

ORDER DENYING PRO SE MOTIONS

Re: Dkt. Nos. 27, 28, 29, 32, 34

Petitioner Richard Farley filed a second motion for reconsideration of the Court's Order denying his motion for access to transcript disks and a computer system in his cell (ECF Doc. No. 27). This motion is a reiteration of the initial motion for reconsideration, which was denied. It also includes a complaint about correctional staff's provision of access to and handling of his legal documents, which is not the proper subject of a motion for reconsideration. Because the Court already ruled on Farley's motion for reconsideration (ECF Doc. No. 26), his duplicative motion for reconsideration is DENIED.

Farley then filed two motions for an extension of time in which to file an appeal of the Court's denial of his first motion for reconsideration (ECF Doc. Nos. 28 and 29). Those motions are DENIED as moot. The Ninth Circuit dismissed Farley's appeal for lack of jurisdiction because he appealed an interlocutory order not subject to the collateral order exception to the final judgment rule. ECF Doc. No. 39.

Farley also filed a motion for clarification of the Order denying his motion for reconsideration (ECF Doc. No. 32). Farley reargues the merits of his original motion and then asks the Court for a legal interpretation. The motion for clarification is DENIED.

1 The Court may not provide legal advice to a petitioner. Counsel has been appointed for
2 that assistance.

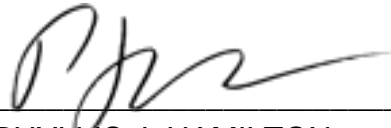
3 In regard to his counsel, Farley also has filed a motion to appoint counsel. This
4 Court appointed the Office of the Federal Public Defender for the District of Arizona to
5 represent Farley on August 22, 2016. ECF Doc. No. 9. All of the issues cited by Farley
6 in his motion to appoint counsel pertain to issues he has experienced with the San
7 Quentin Law Library. He did not detail any issues he has had with his current counsel.
8 Accordingly, Farley's motion to appoint counsel is DENIED.

9 As stated in the Court's May 10, 2017 Order, because Farley is represented by
10 counsel, he does not have the right to represent himself and file his own motions. See
11 United States v. Olano, 62 F.3d 1180, 1193 (9th Cir. 1995); see also United States v.
12 Crowhurst, 629 F.2d 1297, 1301 (9th Cir. 1980) (The "right to counsel and the right to
13 proceed pro se are disjunctive rights."). All motions shall be filed Farley's counsel.

14 The Clerk shall serve a copy of this Order directly on Petitioner.

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16 **IT IS SO ORDERED.**

17 Dated: August 18, 2017

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20 PHYLLIS J. HAMILTON
21 United States District Judge
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